Mr. Tom Susman, counsel
Administrative Practises Subcommittee
United States Senate
Washington, D.C.

11/24/76

Dear Tom,

Almost 12 years ago I'd have given thanks that the Congress had a committee to investigate the JFK assassination. That is the need I saw in the conclusions to my first book. Now that we have it I do not give thanks. In fact I have told the chief counsel that as long as he, an assistant and Mark Lane have any connection with that committee I will not. This was in fighting with him the third time, immediately for the third time winning that fight - the day he got my letter.

Soon the question of continuing the committee in the coming Congress will come up. Were my advice to be asked on this I would not now know what advice to offer.

While I may seem to be a partisan on this subject I really am not. Unlike the nuts and commercializers who engage in and sell idle theories and speculation I deal with fact. The fact is irrefutable in the two assassinations in which I have done all the basic non-official investigatory work, those of JFK and Dr. King.

Jim has independently reached the same conclusion I have on why the executive agencies single me out for special FOIA/PA treatment and seek to waste more time for me than for most others: my work stack and they can't stand it. In all the years there have been works of sycophancy, some clearly subsidized, except for inaccurate citation of my work - and I recall but one - criticism of me has consisted of lumping me with others. Even though except for Garrison I have had no association with these others. Garrison I tried to keep straight and responsible, which turned out to be ~~xxxxxxxxxx~~ impossible.

This experience, so painful and frustrating I'll never forget it, is part of what impelled me to write Sprague as I did a week ago. Even though I am without doubt that had it not been for me the national disaster Garrison represents would have been even greater ~~had it not been for me.~~ I have had enough experience with Sprague and some of the staff he has selected, one in particular, to believe there is little if any chance for responsibility and integrity in that committee's work. Sadly this is true of the Members of whom I know.

Yet I am also convinced that a real investigation is one of the most urgent of national needs, as much so today as it always had been.

Those things I was saying about the executive agencies involved more than a decade ago and now virtually articles of faith today. Nobody tried to refute my fact. There was just an unwillingness to believe. I am not boasting in this, proud as I am of this work I have done. I mean that evil undeterred flourishes. This evil is hydra-headed. It is, within my experience and to my observation, corrupting all of society. That which is most difficult for me is trying to give young people any basis for faith or hope.

I addressed this in a book I could not get printed, Coup d'Etat. It dates to 1968. You'll find Cointelpro in it with all but that name, that long ago. What surprises me is that others did not see it, not that I did. That year I also had proof of CIA domestic operations including an as yet unexposed one. Papers like the Post would not touch it. Later I got a Chicago paper to use part. That year, in an effort to do something about these domestic-intelligence improprieties I researched a book titled The Informers. It was all visible - and ignored.

What is never addressed about these assassinations is that they nullify our system of society. What the college kids see and understand correctly is the corruption in

the executive agencies and the political policy that makes it possible and protects it. They do feel, as do a rather large percentage of all the people, that government has failed them and that they will never again be able to have a genuinely popular leader.

Many see what I long have, the possibilities of the beginning of an Ameriform police state. Whether or not one agrees with this, as those lacking my experiences may not, I believe there is no reasonable room for doubt about whether these agencies need a thorough cleansing if they are to be viable and society safe. Oversight has never accomplished this.

These are merely aspects of the consequences of the political assassinations.

I have never been off on a whodunit. My concern has been with the integrity of our basic institutions all of which failed when JFK was assassinated.

I now see the Congress joining in this failure and compounding evil. So you can understand this on other than the Sprague level I'll encapsulate my experience with the Congress, restricting it to the past two years.

It was apparent to me early last year that Congress was going to respond to the national will. I used the occasion of a speech at NYU law school to try to persuade the nuts and commercializers generally called critics that honesty and responsibility with the Congress was an urgent need, that the Congress was without dependable information and could not get it elsewhere and that what they had been saying would deceive and mislead the Congress. I was taken ill before I could revise and condense the speech I did write. However, I tried to go through with it. I was unable to deliver the speech. Jim Lesar read it for me. I did go through with a press conference that afternoon. It went well. Afterward a Congressional staffer came up to me and asked if I'd confer after I was well.

The consequence of that speech among those called "critics" is that they bent every effort to discourage any in the Congress from talking to Jim or me. However, after the Gonzalez and Downing resolutions were offered I was asked to go to Downing's office and give them a position paper. The representatives of several members were there. Afterward Downing's top staff people were here several times, for long periods, looking at formerly suppressed official evidence. I offered it to them prior to publication, with no concern for literary rights. They have yet to use it. I have never been spoken to by Downing or Gonzalez. I have never seen a member of the Gonzalez staff. One made an appointment and I've heard nothing since. Both have associated with nuts and self-promoters only. The resolution was approved on non-fact only, incredible as it may seem. I am without doubt that in the coming session the executive agencies will ruin the committee through this. If Gonzalez is the chairman there is no chance the committee can do much worthwhile. This is one of the ways in which these national trauma can be perpetuated. I know what I could do. I'm sure the agencies can do more.

Schweiker called me in the day after I sent <u>Post Mortem</u>, my last book, to the printer. I went from him to the doctor to the hospital with acute thrombophlebitis. An approach from Abzug coincided. In fact her staff director got up very early in the morning to take me to the hospital so he could talk to me. After I was home he and his researcher came here and I gave them records, some of which they did use. Whatever role was in his mind Schweiker did a job for Ford, whose vice-presidential candidate he wanted to be. When I chided him for this rather than deny it he replied that given a choice between Ford and Reagan he had to go with Ford. Two weeks later he was running with Reagan. He conducted a non-investigation. I offered him all my files. I showed him more than enough, as you should know from <u>Post Mortem</u>, if you have read it yet. Even though I had just gone into debt again to print this book I offered him the unlimited use, which could have killed a book that had little commercial prospect anyway. His work was still another cover-up for the agencies, another disheartening disinformation operation. Abzug was under great pressure so she reined in. My information is from her staff. Jack Brooks applied some it of it.

How the resolution was passed is one of the most sordid stories of all. If you want me to I'll go into it.

One of Downing's people phoned me the day favorable Rules action was expected. How should they go about it. I told him by phone and at his request sat down and immediately gave him a long memorandum. Then I heard that Bud Fensterwald was going to be Downing's chief counsel. Bud ignored my first letter but he heeded the second and declined the job. He then came to see me and asked a position paper of me. He also asked me about Sprague, of whom I knew only that he had prosecuted the Yablonski case. No, he asked the position paper earlier. I mailed it the evening I received the request. He told me that Downing had approved my recommendations. Sprague did 10/20 of this year when he asked me in and then went off chasing the wild geese.

In simple form what I said is that the committee first had to establish credentials and justification for continuation in the new Congress, What had never been done officially is to establish the basic fact in each assassination. Once this was done and done responsibly the committee would be continued because any ~~xxxxxxxxxxx~~ opposition would be politically hazardous to most Members. Because except for Howard Roffman's fine work on parts I have done all the basic work on this I suggested that I be called to testify, with Howard and Jim (who has handled the FOIA work and is Ray's counsel) sitting by, and that I testify to only that which would be required in a court of law in establishing the basic facts of the homicide. I would do this by offering for the record those official records I had obtained and testifying about them. I suggested that there then be testimony from the federal agents who had done some of the work in these areas, like the FBI lab people and the doctors. There would, inevitably, be direct conflict. Then we should both be called to testify at the same time as the committee sought to resolve the conflicts in the testimony.

There is no commercial advantage for me in this because people have to write to me to get my books and I'd be giving much work away with no return. The question was never raised with me anyway. Nor was I asked if I am up to it physically, as I am. Last week I did not average four hours sleep a night. I made three appearances a day those days I was not travelling.

If there was ~~any~~ any fear that I could not prevail in any such confrontation Bud did not have it nor does the record indicate it is likely. At least four FBI agents have retired when they are younger than I rather than let Jim and me examine them, a ploy that did not work if you are familiar with the appeals decision No. 75-2021. The day after the Rules action Jim and I went through the first to two days of our examining several FBI agents (on cross) and my direct testimony. Although we had no time for preparation we made their witnesses ours and the AUSA just plain pooped out in trying to cross examine me with all the help the FBI could give him. Blake from their office of legal counsel sat with the AUSA through it all. We are now getting the records, if slowly. There would be more if we did not have a judge who makes fine speeches while doing nothing else.

If this approach had been taken - and it could have been taken without my testifying if the committee so desired - not only would basic fact be established but those representatives of the official side would have to testify truthfully or face possible consequences. I don't think many would run the risk, especially those whose retirements are secure and those who are not federal employees. This is all of them.

My recommendation that to the degree possible the committee do as would be done in a court of law and address the homicides to begin with was taken much too literally. All the top lawyers are gungho prosecutor types. They all behave like prosecutors hell-beat for conviction regardless of evidence. I say this on personal experience with them.

They are in bed with Mark Lane, who is a walking encyclopaedia of misinformation, as Howard Roffman puts it. He is the touch of disaster and has an unrelieved record of this. He has already led them into serious faux pas and instead of learning they repeat.

What he has done is so bad that patient and tolerant Jim Lesar, who is Ray's only counsel of record, has had to complain to the New York bar. I think there is more than enough for disciplining. It merely makes the committee's lawyers like him more. They have tried similar improprieties repeatedly. Jim and I have broken all up to date.

Sprague seems to be spending his time interviewing all the nuts in the field, even the certified insane, without any effort to determine bona fides in advance. When he is not engaged in public-relations operations.

But to date they have asked for not a single record from me. They have asked me no single questions about the JFK case. I gave them a large stack of official records in the King case. Frankly, I now regret it.

Sprague is a poker face, except for his TV appearance right after he should have gotten my last letter, Monday. The chief honcho to date is Robert Ozer, who did not do well when he was the DJ lawyer in charge of the Detroit end of the investigation of the Hoffa disappearance. He has repeatedly misinformed the committee when he knew better. He lied, in fact. Twice that I know of. The first led to a defamation of the FBI, the second to an overt defense of it that is factually incorrect. One result of the first has been to unify all of Memphis in opposition to the committee. Moreover, they have [illegible] abused Memphis officials. In this they have given defenses, diversions and a good public-relations position to some of the worst people I have ever met. I'm confident that when it counts some Member will say much about this.

As of my last knowledge they had not hired a single investigator. They plan to hire retired cops, people like that. Two of the first candidates, both excellent, have not had a response to their applications. One is this good in my opinion: If I get an advance on the King book I had to lay aside in April I've offered to use it to hire him as a research assistant. The other is a former reporter with unique knowledge and experience.

With all I have published and all the FOIA cases I've filed they have yet to get any of my books or ask for any of these records or any of the papers I received as a result of the suits. In the King case they have obtained some from DJ. Ozer, who comes from there, showed the Commission staged FBI pictures designed not to depict the evidence, pictures I shook loose about May. What they do not have I do, the real pictures. This is of the part of the bullet removed from King's body. In this Ozer was overtly deceiving the committee and doing a job for the DJ and FBI.

I could go on for a long time on just the failures to date that result in misleading the committee and build a false record and the incompetence of the staff work. I know of no single good performance and many bad ones.

Because I feel that this committee may well be the last official shot for some time I have serious problems. I've resolved them in terms of what means integrity, personal and subject. I very much want a good, honest investigation. I do not see it from this committee as now constituted or with Gonzalez at the head in the coming session. Without the most basic changes I'd now rather have the committee end than continued. It will be still another national tragedy if it continues as it has gone. With these people I see no prospect of any meaningful change.

Perhaps if there are some flaps that receive attention, legitimate criticism, the House may make the changes rather than end the committee. Then the major problem will be executive-agency disinformation operations. The Post story on the alleged Hoover memo was one, as it now knows. The certainty of these operations was one of my reasons for recommending the approach I did. I know of no better way to offset them. I know of no other witness who could do it. They don't, either. Meanwhile, I'll do what I can in court.

Sincerely,
Harold Weisberg